

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

CASE NO. 24-CR-0031-RP

v.

FRANK RICHARD AHLGREN, III,
Defendant.

_____/

**MOTION TO STRIKE IMPROPER LETTER SENT BY
SCOTT DOUGLASS MCCONNICO, A LAW FIRM REPRESENTING
A PLAINTIFF IN A CIVIL MATTER**

Defendant Frank “Paco” Richard Ahlgren, III, through counsel, hereby files this his Motion to Strike Improper Letter Sent By Scott Douglass McConnico, A Law Firm Representing a Plaintiff in a Civil Matter and in furtherance thereof states:

1. Defendant Ahlgren pled guilty to making a false statement on an income tax return on October 8, 2024 date.
2. Sentencing in this matter is scheduled for December 12, 2024.
3. On December 5, 2024 an individual named Melissa Paterson, an assistant at the law firm of Scott Douglass McConnico sent a letter to Julie Golden, the Courtroom Deputy to Judge Pitman in the above-styled matter. In that letter the Scott Douglass McConnico firm requested certain relief as to how Defendant Ahlgren should be sentenced so that it can propel its Travis County civil action for collection on a civil state court judgment that has nothing to do with the above-styled case.
4. The Scott Douglass McConnico firm, upon information and belief, has a substantial contingency fee retainer on behalf of its client in its civil case and notwithstanding protracted litigation, the Scott Douglass McConnico firm and its client has received

a portion but not all of its multi-million dollar judgment already outlined in the Pre-Sentencing Report in the possession of the Court.

5. Scott Douglass McConnico firm is not a victim in this criminal tax case and has no standing to go through the backdoor and send a letter to the Courtroom Deputy to seek unrelated relief seeking to assert its civil litigation desire and to pollute this case prior to Mr. Ahlgren's sentencing hearing.
6. It is respectfully requested that because this letter and attachment were improperly submitted and is irrelevant to the criminal sentencing proceedings it should be both stricken from the record and given no weight in the determination of sentencing in this criminal tax case.

Wherefore, it is respectfully requested that this honorable court strike the letter imprudently submitted in violation of Defendant Ahlgren's due process rights prior to the sentencing hearing in this matter.

Respectfully submitted,

Weisberg Kainen Mark, PL
Miami Tower
100 SE 2nd Street, Ste. 2222
Miami, Florida 33131
Phone: (305) 374-5544
Facsimile No: (305) 358-8565

DATE: December 6, 2024

BY: /s/ Dennis G. Kainen
Dennis G. Kainen
Florida Bar No. 339393

GRAY REED

/s/ Joshua Smeltzer

Joshua D. Smeltzer

Texas Bar No. 24113859

1601 Elm Street, Suite 4600

Dallas, Texas 75201-3005

Telephone No. (469) 320.6225

Facsimile No. (469) 320-6930

jsmeltzer@grayreed.com

ATTORNEY FOR DEFENDANT,

FRANK RICHARD AHLGREN, III

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was electronically filed via CMF/ECF and emailed to the law firm Scott Douglass McConnico, Attn: Melissa Patterson at mpatterson@scottdoug.com this 6th day of December, 2024.

/s/ Dennis G. Kainen

Dennis G. Kainen